

NO. 12-08-00480-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***IN RE: JODY FORD MCCREARY,
RELATOR***

§

§ ***ORIGINAL PROCEEDING***

§

MEMORANDUM OPINION

Jody Ford McCreary has filed a petition for writ of mandamus in which he states that he pleaded guilty to the offense of robbery, a second degree felony, but that the district attorney failed to invoke the jurisdiction of the trial court. Therefore, McCreary asserts, his conviction is void and should be set aside by writ of mandamus.

We have previously held that we have no jurisdiction to consider this complaint because it relates to postconviction relief in a felony case. *See In re McCreary*, No. 12-08-00343-CR, 2008 WL 4335168, at *1 (Tex. App.–Tyler 2008, orig. proceeding) (mem. op., not designated for publication) (citing *Ater v. Eighth Court of Appeals*, 802 S.W.2d 241, 243 (Tex. Crim. App. 1991)). The Texas Court of Criminal Appeals has exclusive authority to grant postconviction relief in a felony case. *See Ater*, 802 S.W.2d at 243. Accordingly, McCreary’s petition for writ of mandamus is *dismissed*.

BRIAN HOYLE

Justice

Opinion delivered December 17, 2008.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(DO NOT PUBLISH)